

**ORDINANCE NO. 2010-992-O**

**AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 8B:  
RESIDENTIAL ESTATES ZONE, SECTION 10-8D-3.B.c OF THE  
WASHINGTON COUNTY CODE (BED AND BREAKFAST CONDITIONAL  
USE: NOTICE TO PROPERTY OWNERS PRIOR TO HEARING)**

WHEREAS, Washington County has previously adopted Title 10-8D-3.B.c of the Washington County Code (Bed and Breakfast Conditional Use: Notice to Property Owners Prior to Hearing); and

WHEREAS, the Notice requirement set forth in Title 10-8D-3.B.c of the Washington County Code is not consistent with the Utah Code where the notice requirements for hearings are ten (10) days; and

WHEREAS, in order to be consistent with the hearing requirements set forth in the Utah Code, Title 10-8D-3.B.c of the Washington County Code, said section needs to be amended.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Washington County that Title 10-8D-3.B.c of the Washington County Code is hereby amended and superseded as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Title 10-8D-3.B.c of the Washington County Code Amendment
5. Prior Ordinances, Resolutions, Policies and Actions Superseded
6. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208, 17-53-223, 7-27a-102, and 7-27a-501 *et seq.* (1953, as amended).

2. Purpose of Provisions.

The purpose of this ordinance is to amend Title 10-8D-3.B.c of the Washington County Code to provide for consistent notice requirements for hearings.

3. Findings.

- A. The Notice requirement set forth in Title 10-8D-3.B.c of the Washington County Code is not consistent with the Utah Code where the notice requirements for hearings are ten (10) days.

- B. In order to be consistent with the hearing requirements set forth in the Utah Code, Title 10-8D-3.B.c of the Washington County Code, said section needs to be amended.
  - C. The Planning Commission caused notice of the hearing and the proposed amendment of Title 10-8D-3.B.c of the Washington County Code Title to be advertised at least ten (10) days before the date of the public hearing in *The Spectrum*, a newspaper of general circulation in Washington County.
  - D. On February 9, 2010, at 1:30 p.m., the Planning Commission held a public hearing to consider any comments regarding the proposed amendment of Title 10-8D-3.B.c of the Washington County Code. The Planning Commission accepted all comments.
  - E. The proposed amendment of Title 10-8D-3.B.c of the Washington County Code was submitted to the Washington County Planning Commission ("Planning Commission") on March 16, 2010. The Planning Commission recommended approval of the proposed amendment.
  - F. It is in the interest of the public and the citizens of Washington County that the proposed amendment of Title 10-8D-3.B.c of the Washington County Code be approved.
4. Title 10-8D-3.B.c of the Washington County Code Amendment.

The following amendment of Title 10-8D-3.B.c of the Washington County Code is hereby adopted:

10-8D-3B: CONDITIONAL USES:

- c. Mail the notice of hearing to the owners of record submitted by the applicant with the petition at least ten (10) days before the date of the hearing.
5. Prior Ordinances, Resolutions, Policies and Actions Superseded.
- This ordinance amends and supersedes Title 10-8D-3.B.c of the Washington County Code, and all prior ordinances, resolutions, policies, and actions of the Washington County Board of County Commissioners to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect fifteen (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 16<sup>th</sup> day of March 2010.

WASHINGTON COUNTY

\_\_\_\_\_  
JAMES J. EARDLEY, Chair  
Washington County Commission

ATTEST:

\_\_\_\_\_  
Kim M. Hafen  
Washington County Clerk-Auditor

Commissioner Eardley voted \_\_\_\_  
Commissioner Gardner voted \_\_\_\_  
Commissioner Drake voted \_\_\_\_

